KELLEY DRYE & WARREN LLP
A LIMITED LIABILITY PARTNERSHIP

WASHINGTON HARBOUR, SUITE 400
3050 K STREET, NW
WASHINGTON, D.C. 20007-5108

(202) 342-8400

FACSIMILE
(202) 342-8451
www.kelleydrye.com

NEW YORK, NY
TYSONS CORNER, VA
CHICAGO, IL
STAMFORD, CT
PARSIPPANY, NJ

BRUSSELS, BELGIUM

AFFILIATE OFFICES
MUMBAI, INDIA

DIRECT LINE: (202) 342-8625
EMAIL: bfreedson@kelleydrye.com

March 6, 2007

VIA HAND DELIVERY

Ms. Marlene Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: WC Docket No. 06-172: In the Matter of Petitions of the Verizon Telephone Companies for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Boston, New York, Philadelphia, Pittsburgh, Providence and Virginia Beach Metropolitan Statistical Areas

Dear Ms. Dortch:

On March 5, 2007, Broadview Networks, Inc., Covad Communications Group, NuVox Communications and XO Communications, LLC filed with the Commission their initial Comments on the above-referenced Petitions of the Verizon Telephone Companies. Please find attached exhibits JPG-1 through JPG-5 to the Declaration of Joseph Gillan (Exhibit 1), which inadvertently were omitted from the filed document.

Please feel free to contact the undersigned counsel at (202) 342-8625 if you have any questions, or require further information.

Respectfully submitted,

Brett Heather Freedson

DC01/FREEB/273239.1

Exhibit JPG-1 (Gillan)
WC Docket No. 06-172

Qualifications of Joseph Gillan

Education

B.A. Economics, University of Wyoming, 1978.
M.A. Economics, University of Wyoming, 1979.

Professional History

Gillan Associates, Economic Consulting (1987-Present)

In 1987, Mr. Gillan established a private consulting practice specializing in the economic evaluation of regulatory policies and business opportunities in the telecommunications industry. Since forming his consulting practice in 1987, Mr. Gillan has advised business clients as diverse as AT&T and TDS Telecom (a small entrant seeking the authority to compete in a rural area).

Vice President, US Switch, Inc. (1985-1987)

Responsible for crafting the US Switch business plan to gain political acceptance and government approval. US Switch pioneered the concept of "centralized equal access," which positioned independent local telephone companies for a competitive long distance market. While with US Switch, Mr. Gillan was responsible for contract negotiation/marketing with independent telephone companies and project management for the company's pilot project in Indiana.

Policy Director/Market Structure - Illinois Commerce Commission (1980-1985)

Primary staff responsibility for the policy analysis of issues created by the emergence of competition in regulated markets, in particular the telecommunications industry. Mr. Gillan served on the staff subcommittee for the NARUC Communications Committee and was appointed to the Research Advisory Council overseeing NARUC's research arm, the National Regulatory Research Institute.

Mountain States Telephone Company - Demand Analyst (1979)

Performed statistical analysis of the demand for access by residential subscribers.

Professional Appointments

Guest Lecturer	School of Laws, University of London, 2002
Advisory Council	New Mexico State University, Center for Regulation, 1985 – Present
Faculty	Summer Program, Public Utility Research and Training Institute, University of Wyoming, 1989-1992

Professional Appointments (Continued)

Contributing Editor	Telematics: The National Journal of Communications Business and Regulation, 1985 - 1989
Chairman	Policy Subcommittee, NARUC Staff Subcommittee on Communications, 1984-1985
Advisory Committee	National Regulatory Research Institute, 1985
Distinguished Alumni	University of Wyoming, 1984

Selected Publications

"The Local Exchange: Regulatory Responses to Advance Diversity", with Peter Rohrbach, Public Utilities Fortnightly, July 15, 1994.

"Reconcentration: A Consequence of Local Exchange Competition?", with Peter Rohrbach, Public Utilities Fortnightly, July 1, 1994.

"Diversity or Reconcentration?: Competition's Latent Effect", with Peter Rohrbach, Public Utilities Fortnightly, June 15, 1994.

"Consumer Sovereignty: An Proposed Approach to IntraLATA Competition", Public Utilities Fortnightly, August 16, 1990.

"Reforming State Regulation of Exchange Carriers: An Economic Framework", Third Place, University of Georgia Annual Awards Competition, 1988, Telematics: The National Journal of Communications, Business and Regulation, May, 1989.

"Regulating the Small Telephone Business: Lessons from a Paradox", Telematics: The National Journal of Communications, Business and Regulation, October, 1987.

"Market Structure Consequences of IntraLATA Compensation Plans", Telematics: The National Journal of Communications, Business and Regulation, June, 1986.

"Universal Telephone Service and Competition on the Rural Scene", Public Utilities Fortnightly, May 15, 1986.

"Strategies for Deregulation: Federal and State Policies", with Sanford Levin, Proceedings, Rutgers University Advanced Workshop in Public Utility Economics, May 1985.

"Charting the Course to Competition: A Blueprint for State Telecommunications Policy", Telematics: The National Journal of Communications Business, and Regulation, with David Rudd, March, 1985.

"Detariffing and Competition: Options for State Commissions", Proceedings of the Sixteenth Annual Conference of Institute of Public Utilities, Michigan State University, December 1984.

Listing of Expert Testimony – Court Proceedings

MCI, L.L.C. dba Verizon Business vs. Vorst Paving, Inc., (Civil Action NO. CV: 106-064 District Court for the Southern District Of Georgia) (Damages Claim)

United States of America v. SBC Communications Inc. and AT&T Corp. (Civil Action No. 1:05CV02102 District Court for the District of Columbia) (Inadequacy of Proposed Final Judgment Settling SBC Merger with AT&T)

United States of America v. Verizon Communications Inc. and MCI Inc. (Civil Action No. 1:05CV02103 District Court for the District of Columbia) (Inadequacy of Proposed Final Judgment Settling Verizon Merger with MCI)

T & S Distributors, LLC, ACD Telecom, Inc, Telnet Worldwide, Inc et al. v. Michigan Bell Telephone Company (Civil Action No. 04-689-CK Ingham Circuit Court, State of Michigan) (Enforcement of contract; Industry definitions of local exchange service and end user)

Dwayne P. Smith, Trustee v. Lucent Technologies (Civil Action No. 02-0481 Eastern District of Louisiana)(Entry and CLEC Performance)

BellSouth Intellectual Property v. eXpeTel Communications (Civil Action No. 3:02CV134WS Southern District of Miss.)(Service definition, industry structure and Telecom Act of 1996)

CSX Transportation Inc. v. Qwest International, Inc. (Case No. 99-412-Civ-J-21C Middle District of Florida) (industry structure and wholesale contract arrangements).

Winn v. Simon (No. 95-18101 Hennepin Cty. Dist. Ct.)(risk factors affecting small long distance companies)

American Sharecom, Inc. v. LDB Int'l Corp. (No. 92-17922, Hennepin County District Court) (risk factors affecting small long distance companies)

World Com, Inc. et al. v. Automated Communications, Inc. et al. (No. 3:93-CV-463WS, S.D. Miss.) (damages)

International Assignments

Recovering Contribution: Lessons from the United States' Experience, Report submitted to the Canadian Radio-television and Telecommunications Commission on behalf of CallNet.

Forcing a Square Peg into a Round Hole: Applying the Universal Service Cost Model in the Cayman Islands, Analysis Presented to the Government of the Cayman Islands on behalf of Cable and Wireless.

Summary of Expert Testimony and Affidavits – Regulatory Proceedings

State	Docket/Case	Topic	Sponsor(s)
Georgia	Docket 14361-U	Time Value of Money	CLEC Coalition
Kentucky	Case No. 2006-000316	271 Pricing – Loop and Switch	Southeast Tel
New York	Case No. 06-C-0897	Verizon Pricing Flexibility	CompTel/XO
Tennessee	Docket 06-00093	AT&T-BellSouth Acquisition	CLEC Coalition
Mississippi	No. 2006-UA-164	AT&T-BellSouth Acquisition	NuVox/TWTC
Kentucky	Case No. 2006-00136	AT&T-BellSouth Acquisition	NuVox/Xspedius
Indiana	Cause No. 42986	Wire Center Impairment List	COVAD/NuVox
Ohio	05-1393-TP-UNC	Wire Center Impairment List	CLEC Coalition
Illinois	Docket 06-0029	Wire Center Impairment List	CLEC Coalition
Illinois	Docket 06-0027	AT&T Illinois Deregulation	Data Net Systems
Oklahoma	Cause PUD 20060034	Wire Center Impairment List	CLEC Coalition
Kansas	06-SWBT-743-COM	Wire Center Impairment List	CLEC Coalition
Arkansas	Docket 05-140-C	Wire Center Impairment List	CLEC Coalition
Georgia	Docket 19341-U (II)	Establishing Section 271 Rates	CompSouth
Texas	Docket 31303	Wire Center Impairment List	CLEC Coalition
Washington	Docket UT-050814	Verizon-MCI Merger	Covad
California	Application 05-04-020	Verizon-MCI Merger	Cox
California	Application 05-04-020	Verizon-MCI Merger	Covad/CalTel
Oklahoma	Cause 200400695	Supersedes Bond	Cox
Florida	Docket 041269-TP	TRRO Implementation	CompSouth
Mississippi	Docket 2005-AD-139	TRRO Implementation	CompSouth
South Carolina	Docket 2004-316-C	TRRO Implementation	CompSouth
Kentucky	Case No. 2004-00427	TRRO Implementation	CompSouth
Alabama	Docket No. 29543	TRRO Implementation	CompSouth
Louisiana	Docket No. U-28356	TRRO Implementation	CompSouth
North Carolina	Docket P-55, Sub 1549	TRRO Implementation	CompSouth
Tennessee	Docket No. 04-00381	TRRO Implementation	CompSouth
Georgia	Docket No. 19341-U	TRRO Implementation	CompSouth
California	Application 05-02-027	SBC-AT&T Merger	Cox

Summary of Expert Testimony and Affidavits – Regulatory Proceedings

State	Docket/Case	Topic	Sponsor(s)
California	Application 05-02-027	SBC-AT&T Merger	CalTel
Oklahoma	Cause 200400695	SBC Deregulation	Cox
Kansas	05-SWBT-907-PDR	SBC Deregulation	Cox-WorldNet
Wisconsin	6720-TI-196	SBC Deregulation	CUB
Oklahoma	Cause 200400042	Status of Local Competition	Cox
Michigan	Case U-14323	SBC Deregulation	Talk America
Oklahoma	Cause RM 200400014	Regulatory Flexibility for SBC	CLEC Coalition
New Mexico	Case No. 3567	Regulation of Wireless Carriers	Wireless Coalition
North Carolina	Docket P-19 Sub 277	Alternative Regulation	CompSouth
North Carolina	Docket P-55 Sub 1013	Alternative Regulation	CompSouth
Mississippi	Docket 2003-AD-714	Switching Impairment	CompSouth
Kentucky	Case No. 2003-00379	Switching Impairment	CompSouth
Texas	Docket 28607	Switching Impairment	CLEC Coalition
Massachusetts	D.T.E 03-60	Switching Impairment	CLEC Coalition
Louisiana	Docket U-27571	Switching Impairment	CompSouth
New Jersey	Docket TO03090705	Switching Impairment	CLEC Coalition
Kansas	03-GIMT-1063-GIT	Switching Impairment	CLEC Coalition
South Carolina	Docket 2003-326-C	Switching Impairment	CompSouth
Alabama	Docket 29054	Switching Impairment	CompSouth
Illinois	Docket No. 03-0595	Switching Impairment	AT&T
Indiana	Cause No. 42500	Switching Impairment	AT&T
Pennsylvania	Case I-00030099	Switching Impairment	CLEC Coalition
Tennessee	Docket No. 03-00491	Switching Impairment	CompSouth
North Carolina	P-100, Sub 133Q	Switching Impairment	CompSouth
Georgia	Docket No. 17749-U	Switching Impairment	CompSouth
Missouri	Case TW-2004-0149	Switching Impairment	CLEC Coalition
Michigan	Case No. U-13796	Switching Impairment	CLEC Coalition
Florida	Docket No. 030851-TP	Switching Impairment	FCCA
Ohio	Case 03-2040-TP-COI	Switching Impairment	AT&T/ATX
Wisconsin	05-TI-908	Switching Impairment	AT&T

Summary of Expert Testimony and Affidavits – Regulatory Proceedings

State	Docket/Case	Topic	Sponsor(s)
Washington	UT–023003	Local Switching Rate Structure	AT&T/MCI
Arizona	T-00000A-00-0194	UNE Cost Proceeding	AT&T/WCOM
Illinois	Docket 02-0864	UNE Cost Proceeding	AT&T
North Carolina	P-55, Sub 1013 P-7, Sub 825 P-19, Sub 277	Price Cap Proceedings	CLEC Coalition
Kansas	02-GIMT-555-GIT	Price Deregulation	Birch/AT&T
Texas	Docket No. 24542	Cost Case	AT&T
North Carolina	Docket P-100, Sub 133d	UNE Cost Proceeding	CLEC Coalition
Georgia	Docket No. 11901-U	DSL Tying Arrangement	WorldCom
Tennessee	Docket No. 02-00207	UNE Availability/Unbundling	CLEC Coalition
Utah	Docket No. 01-049-85	Local Switching Costs/Price	AT&T
Tennessee	Docket No. 97-00309	Section 271 Compliance	CLEC Coalition
Illinois	Docket No. 01-0662	Section 271 Compliance	AT&T
Georgia	Docket No. 14361-U	UNE Availability/Unbundling	CLEC Coalition
Florida	Docket 020507-TL	Unlawful DSL Bundling	CLEC Coalition
Tennessee	Docket No. 02-00207	UNE Availability/Unbundling	CLEC Coalition
Georgia	Docket No. 14361-U	UNE Costs and Economics	AT&T/WorldCom
Florida	Docket 990649-TP	UNE Cost and Price Squeeze	AT&T/WorldCom
Minnesota	P-421/CI-01-1375	Local Switching Costs/Price	AT&T
Florida	Docket 000075-TP	Intercarrier Compensation	WorldCom
Texas	Docket No. 24542	Unbundling and Competition	CLEC Coalition
Illinois	Docket 00-0732	Certification	Talk America
Indiana	Cause No. 41998	Structural Separation	CLEC Coalition
Illinois	Docket 01-0614	State Law Implementation	CLEC Coalition
Florida	Docket 96-0768	Section 271 Application	SECCA
Kentucky	Docket 2001-105	Section 271 Application	SECCA
FCC	CC Docket 01-277	Section 271 for GA and LA	AT&T
Illinois	Docket 00-0700	Shared Transport/UNE-P	CLEC Coalition
North Carolina	Docket P-55 Sub 1022	Section 271 Application	SECCA
Georgia	Docket 6863-U	Section 271 Application	SECCA

Summary of Expert Testimony and Affidavits – Regulatory Proceedings

State	Docket/Case	Topic	Sponsor(s)
Alabama	Docket 25835	Section 271 Application	SECCA
Michigan	Case No. U-12622	Shared Transport/UNEs	AT&T
Ohio	Case 00-942-TP-COI	Section 271 Application	AT&T
Alabama	Docket No. 25835	Structural Separation	SECCA
Alabama	Docket No. 27821	UNE Cost Proceeding	ITC^Deltacom
Louisiana	Docket U-22252	Section 271 Application	SECCA
Mississippi	Docket 97-AD-321	Section 271 Application	SECCA
South Carolina	Docket 2001-209-C	Section 271 Application	SECCA
Colorado	Docket 99A-577T	UNE Cost Proceeding	AT&T
Arizona	Case T-00000A-00-0194	UNE Cost Proceeding	AT&T
Washington	Docket UT-003013	Line Splitting and Combinations	AT&T
Ohio	Case 00-1368-TP-ATA Case 96-922-TP-UNE	Shared Transport	AT&T/PACE
North Carolina	P-100 Sub 133j	Standard Collocation Offering	CLEC Coalition
Florida	Docket 990649-TP	UNE Cost Proceeding	CLEC Coalition
Michigan	Case No. U-12320	UNE Combinations/Section 271	AT&T
Florida	Docket 00-00731	Section 251 Arbitration	AT&T
Georgia	Docket 5825-U	Universal Service Fund	CLEC Coalition
South Carolina	97-239-C	Universal Service Fund	CLEC Coalition
Texas	PUC Docket 22289/95	ETC Designation	Western Wireless
Washington	Docket UT-003013	UNE Costs and Local Competition	AT&T
New York	Docket 98-C-1357	UNE Cost Proceeding	Z-Tel
Colorado	Docket 00K-255T	ETC Designation	Western Wireless
Kansas	99-GCCZ-156-ETC	ETC Designation	Western Wireless
New Mexico	98-484-TC	ETC Designation	Western Wireless
Illinois	Docket 99-0535	Cost of Service Rules	AT&T/MCI
Colorado	Docket 00-B-103T	U S WEST Arbitration	ICG Comm.
North Dakota	PU-1564-98-428	ETC Designation	Western Wireless
Illinois	Docket 98-0396	Shared Transport Pricing	AT&T/Z-Tel
Florida	Docket 981834-TP	Collocation Reform	CLEC Coalition

Summary of Expert Testimony and Affidavits – Regulatory Proceedings

State	Docket/Case	Topic	Sponsor(s)
Pennsylvania	M-00001353	Structural Separation of Verizon	CompTel/ATX
Illinois	Docket 98-0860	Competitive Classification of Ameritech's Business Services	CompTel/ AT&T
Georgia	Docket 6865-U	Complaint re: Combinations	MCIWorldcom
Virginia	Case No. PUC 990100	GTE/Bell Atlantic Merger	AT&T
Florida	Docket 990649-TP	UNE Cost and Pricing	CLEC Coalition
Nebraska	Application C-1960/PI-25	IP Telephony and Access Charges	ICG Communications
Georgia	Docket 10692-U	Pricing of UNE Combinations	CLEC Coalition
Colorado	Docket 99F-141T	IP Telephony and Access	Qwest
California	Case A. 98-12-005	GTE/Bell Atlantic Merger	AT&T/MCI
Indiana	Case No. 41255	SBC/Ameritech Merger	AT&T
Illinois	Docket 98-0866	GTE/Bell Atlantic Merger	AT&T
Ohio	Case 98-1398-TP-AMT	GTE/Bell Atlantic Merger	AT&T
Tennessee	Docket 98-00879	BellSouth BSE	SECCA
Missouri	Case TO-99-227	§ 271 Review: SBC	AT&T
Colorado	Docket 97A-540T	Stipulated Price Cap Plan/USF	CLEC Coalition
Illinois	ICC Docket 98-0555	SBC/Ameritech Merger	AT&T
Ohio	Case 98-1082-TP-AMT	SBC/Ameritech Merger	AT&T
Florida	Docket 98-1121-TP	UNE Combinations	MCI WorldCom
Georgia	6801-U	§ 251 Arbitration: BellSouth	AT&T
Florida	92-0260-TL	Rate Stabilization Plan	FIXCA
South Carolina	Docket 96-375	§ 251 Arbitration: BellSouth	AT&T
Kentucky	Docket 96-482	§ 251 Arbitration: BellSouth	AT&T
Wisconsin	05-TI-172/5845-NC-101	Rural Exemption	TDS Metro
Louisiana	U-22145	§ 251 Arbitration: BellSouth	AT&T
Mississippi	96-AD-0559	§ 251 Arbitration: BellSouth	AT&T
North Carolina	P-140-S-050	§ 251 Arbitration: BellSouth	AT&T
Tennessee	96-01152	§ 251 Arbitration: BellSouth	AT&T
Arizona		§ 251 Arbitration: US West	AT&T Wireless

Summary of Expert Testimony and Affidavits – Regulatory Proceedings

State	Docket/Case	Topic	Sponsor(s)
Florida	96-0883-TP	§ 251 Arbitration: BellSouth	AT&T
Montana	D96.11.200	§ 251 Arbitration: US West	AT&T
North Dakota	PU-453-96-497	§ 251 Arbitration: US West	AT&T
Texas	Docket 16226	§ 251 Arbitration: SBC	AT&T/MCI
Alabama	Docket 25703	§ 251 Arbitration: BellSouth	AT&T
Alabama	Docket 25704	§ 251 Arbitration: GTE	AT&T
Florida	96-0847-TP	§ 251 Arbitration: GTE	AT&T
Kentucky	Docket 96-478	§ 251 Arbitration: GTE	AT&T
North Carolina	P-140-S-51	§ 251 Arbitration: GTE	AT&T
Texas	Docket 16630	§ 251 Arbitration: SBC	LoneStar Net
South Carolina	Docket 96-358	§ 251 Arbitration: GTE	AT&T
Texas	Docket 16251	§ 271 Review: SBC	AT&T
Oklahoma	97-0000560	§ 271 Review: SBC	AT&T
Kansas	97-SWBT-411-GIT	§ 271 Review: SBC	AT&T
Alabama	Docket 25835	§ 271 Review: BellSouth	AT&T
Florida	96-0786-TL	§ 271 Review: BellSouth	FCCA
Georgia	Docket 6863-U	§ 271 Review: BellSouth	AT&T
Kentucky	Docket 96-608	§ 271 Review: BellSouth	AT&T
Louisiana	Docket 22252	§ 271 Review: BellSouth	AT&T
Texas	Docket 16226	UNE Cost	AT&T/MCI
Colorado	97K-237T	Access Charges	AT&T
Mississippi	97-AD-321	§ 271 Review: BellSouth	AT&T
North Carolina	P-55 Sub 1022	§ 271 Review: BellSouth	AT&T
South Carolina	97-101-C	§ 271 Review: BellSouth	AT&T
Tennessee	97-00309	§ 271 Review: BellSouth	AT&T
Tennessee	96-00067	Wholesale Discount	AT&T
Tennessee	97-00888	Universal Service	AT&T
Texas	Docket 15711	GTE Certification as CLEC	AT&T
Kentucky	97-147	BellSouth BSE Certification	SECCA
Florida	97-1056-TX	BellSouth BSE Certification	FCCA

Summary of Expert Testimony and Affidavits – Regulatory Proceedings

State	Docket/Case	Topic	Sponsor(s)
North Carolina	P691 Sub O	BellSouth BSE Certification	SECCA
Florida	98-0696-TP	Universal Service	FCCA
New York	97-C-271	§ 271 Review: Bell Atlantic	CompTel
Montana	D97.5.87	§ 271 Review: US West	AT&T
New Mexico	97-106-TC	§ 271 Review: US West	AT&T/CompTel
Nebraska	C-1830	§ 271 Review: US West	AT&T
Alabama	Docket 25980	Universal Service	AT&T
Kentucky	Admin 360	Universal Service	AT&T
North Carolina	P100-S133B	Universal Service	AT&T
North Carolina	P100-S133G	Universal Service	AT&T
Illinois	95-0458/0531	Combined Network Elements	WorldCom
Illinois	96-0486/0569	Network Element Cost/Tariff	WorldCom
Illinois	96-0404	§ 271 Review: Ameritech	CompTel
Florida	97-1140-TP	Combining Network Elements	AT&T/MCI
Pennsylvania	A-310203-F0002	Local Competition	CompTel
Georgia	6415-U/6527-U	Local Competition	CompTel
Illinois	98-NOI-1	Structural Separation	CompTel/Qwest
New York	98-C-690	Combining Network Elements	CompTel
Texas	Docket 17579	§ 251 Arbitration: SBC (2nd)	AT&T/MCI
Texas	Docket 16300	§ 251 Arbitration: GTE	AT&T
Florida	Docket 920260-TL	Price Cap Plan	IXC Coalition
Louisiana	Docket U22020	Resale Cost Study	AT&T/LDDS
California	Docket R.93-04-003	Rulemaking on Open Network Architecture	LDDS/WorldCom
Tennessee	Docket 96-00067	Avoidable Cost/Resale Discount	AT&T
Georgia	Docket 6537-U	Unbundled Loop Pricing	CompTel
Georgia	Docket 6352	Rules for Network Unbundling	AT&T
Pennsylvania	Docket A-310203F0002	Introducing Local Competition	CompTel
Florida	Docket 95-0984-TP	Interconnection Terms and Prices	AT&T

Summary of Expert Testimony and Affidavits – Regulatory Proceedings

State	Docket/Case	Topic	Sponsor(s)
Kentucky	Case No. 365	Local Competition/Universal Service	WorldCom
Mississippi	Docket 95-UA-358	Introducing Local Competition	AT&T/WorldCom
Florida	Docket 95-0984-TP	Interconnection Terms and Prices	AT&T
Illinois	Docket 95-0458	Wholesale Local Services	WorldCom
California	Dockets R.95-04-043/044	Local Competition	WorldCom
Florida	Docket 95-0696-TP	Universal Service and Carrier of Last Resort Obligations	IXC Coalition
Georgia	Docket 5755-U	Removing Subsidies from Access	AT&T
South Carolina	Docket 95-720-C	Price Regulation	ACSI
Michigan	Case No. U-10860	Interconnection Agreement	WorldCom
Mississippi	Docket 95-US-313	Price Regulation Plan	WorldCom/AT&T
Missouri	Case TR-95-241	Expanded Local Calling	MCI
Washington	Docket UT-941464	Interconnection Complaint	IXC Coalition
Maryland	Case No. 8584 – Phase II	Introducing Local Competition	WorldCom
Massachusetts	DPU 94-185	Introducing IntraLATA and Local Competition	WorldCom
Wisconsin	Docket 6720-TI-111	IntraLATA Equal Access	Schneider Com.
North Carolina	Docket P-100, Sub 126	Expanded Local Calling	LDDS
Georgia	Docket 5319-U	IntraLATA Equal Access	MCI/LDDS
Mississippi	Docket 94-UA-536	Price/Incentive Regulation	LDDS
Georgia	Docket 5258-U	Price Regulation Plan	LDDS
Florida	Docket 93-0330-TP	IntraLATA Equal Access	IXC Coalition
Alabama	Docket 23260	Access Transport Rate Structure	LDDS
New Mexico	Docket 94-204-TC	Access Transport Rate Structure	LDDS
Kentucky	Docket 91-121	Alternative Regulation Proposal	Sprint, AT&T and LDDS
Texas	Docket 12784	Access Transport Rate Structure	IXC Coalition
Illinois	Docket 94-0096	Customer's First Proposal	LDDS
Louisiana	Docket U-17949-D	Alternative Regulation	AT&T, Sprint and

Summary of Expert Testimony and Affidavits – Regulatory Proceedings

State	Docket/Case	Topic	Sponsor(s)
			LDDS
New York	Case No. 93-C-0103	Rochester Plan-Wholesale/Retail	LDDS
Illinois	Dockets 94-0043/46	Access Transport Rate Structure	IXC Coalition
Florida	Docket 92-1074-TP	Expanded Interconnection	Intermedia
Louisiana	Docket U-20800	Access Transport Rate Structure	LDDS
Tennessee	Docket 93-008865	Access Transport Rate Structure	LDDS
Ohio	Docket 93-487-TP-ALT	Alternative Regulation	Allnet/LCI/LDDS
Mississippi	Docket 93-UN-0843	Access Transport Rate Structure	LDDS
South Carolina	Docket 93-756-C	Access Transport Rate Structure	IXC Coalition
Georgia	Docket 4817-U	Access Transport Rate Structure	IXC Coalition
Louisiana	Docket U-20710	Pricing and Imputation Standards	LDDS
Ohio	Case 93-230-TP-ALT	Alternative Regulation	MCI/Allnet/LCI
New Mexico	Docket 93-218-TC	Expanded Local Calling	LDDS
Illinois	Docket 92-0048	Alternative Regulation	LDDS
Mississippi	Docket 93-UN-0038	Banded Rates for Toll Service	LDDS
Florida	Docket 92-1074-TP	Expanded Interconnection	Florida Coalition
Louisiana	Docket U-20237	Preferential Toll Pricing	LDDS, MCI and AT&T
South Carolina	Docket 93-176-C	Expanded Local Calling	LDDS & MCI
Mississippi	Case 89-UN-5453	Rate Stabilization Plan	LDDS & ATC
Illinois	Docket 92-0398	Local Interconnection	CLEC Coalition
Louisiana	Docket U-19993	Payphone Compensation	MCI
Maryland	Docket 8525	Payphone Compensation	MCI
South Carolina	Docket 92-572-C	Payphone Compensation	MCI
Georgia	Docket 4206-U	Payphone Compensation	MCI
Delaware	Docket 91-47	Application for Rate Increase	MCI
Florida	Docket 88-0069-TL	Comprehensive Price Review	Florida Coalition
Mississippi	Case 92-UA-100	Expanded Local Calling	LDDS & ATC
Florida	Docket 92-0188-TL	GTE Rate Case	MCI & FIXCA
Wisconsin	Docket 05-TI-119	IntraLATA Competition	MCI & Schneider

Summary of Expert Testimony and Affidavits – Regulatory Proceedings

State	Docket/Case	Topic	Sponsor(s)
Florida	Docket 92-0399-TP	Payphone Compensation	MCI & FIXCA
California	Docket I,87-11-033	Alternative Regulation	Intellical
Florida	Docket 88-0068-TL	Rate Stabilization	Public Counsel and Large Users
New York	Case 28425, Phase III	Access Transport Rate Structure	Empire Altel
Wisconsin	Docket 05-TR-103	Intrastate Access Charges	MCI & CompTel
Mississippi	Docket 90-UA-0280	IntraLATA Competition	Intellicall
Louisiana	Docket U-17949	IntraLATA Competition	Cable & Wireless
Florida	Docket 88-0069-TL	Rate Stabilization	Florida Coalition
Wisconsin	Docket 05-TR-103	Intrastate Access Charges	Wisconsin IXCs
Florida	Docket 89-0813-TP	Alternative Access Providers	Florida Coalition
Alaska	Docket R-90-1	Intrastate Toll Competition	Telephone Utilities of Alaska
Minnesota	Docket P-3007/NA-89-76	Centralized Equal Access	MCI & Telecom*USA
Florida	Docket 88-0812-TP	IntraLATA Toll Competition	Florida Coalition
Wisconsin	Docket 05-TR-102	Intrastate Access Charges	Wisconsin IXCs
Wisconsin	Docket 6655-NC-100	Centralized Equal Access	Wisconsin IXCs
Florida	Docket 88-0069-TL	Rate Stabilization	Florida Coalition
Wisconsin	Docket 05-NC-100	IntraLATA Toll Competition	Wisconsin IXCs
Florida	Docket 87-0347-TI	AT&T Regulatory Relief	Florida Coalition
Illinois	Docket 83-0142	Intrastate Access Charges	Illinois Consolidated
Texas	Docket 8218	WATS Prorate Credit	TEXALTEL
Iowa	Case RPU 88-2	Centralized Equal Access	MCI & Teleconnect
Florida	Docket 87-1254-TL	Regulatory Flexibility for LECs	Microtel
Wisconsin	Docket 05-TR-5, Part B	IntraLATA Competition and Access Charges	Wisconsin State Telephone Assc.
Florida	Docket 86-0984, Phase II	Intrastate Loop Cost Recovery	Florida Coalition

Exhibit JPG-2
WC Docket No. 06-172

Supplemental Testimony of
Joseph Gillan

Oklahoma Corporation Commission
Docket 200500042

THE CORPORATION COMMISSION
OF THE STATE OF OKLAHOMA

Application of Southwestern Bell Telephone, L.P. D/B/A SBC Oklahoma for the Classification of Intrastate Retail Telecommunications Services as Basket 4 Services Pursuant to OAC 165:55-5-66(4)	))))	Cause No. PUD 200500042

Supplemental Testimony
of
Joseph Gillan
On Behalf of
Cox OklahomaTelcom, L.L.C.

UNREDACTED ** HIGHLY SENSITIVE ** CONFIDENTIAL INFORMATION

May 23, 2005

Q. Please state your name and party sponsoring your testimony.

A. My name is Joseph Gillan. My testimony is being sponsored by Cox Oklahoma Telcom L.L.C. ("Cox"). I previously filed direct testimony in this proceeding.

Q. What is the purpose of your supplemental testimony?

A. The purpose of my supplemental testimony is to address issues relating to the use of the E911 database to measure local competition in Oklahoma. As I indicated in my direct testimony, SBC's claims regarding local competition are inexorably tied to the E911 database, which is the source of over [redacted]% of the competition that it claims exists.[1] As I noted in that testimony, SBC had refused to grant access to

[1] Gillan Direct, page 41.

this data for other parties to analyze, and has only recently provided limited access for that purpose.[2]

Despite SBC's efforts at obfuscation and obstruction, however, there are insights that can be drawn from the limited access to the E911 database that it provided, including:

* There is no relevant facilities-based residential competition in Oklahoma aside outside of Cox's cable-footprint, which is responsible for [redacted]% of the CLEC residential listings.

* Based on the number of lines actually served by Cox and Logix, the E911 database overestimates residential lines by approximately [redacted]%, and business lines by between [redacted]% and [redacted]%. The E911 database is simply and unambiguously *not* a reliable measure of local competition.

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[2] I am unaware of any law, regulation or contract that establishes the E911 database as a private resource for SBC's competitive convenience. Nevertheless, the terms under which SBC has provided "access" to this information in Oklahoma are not designed for any legitimate purpose, but are structured solely to frustrate analysis -- SBC agreed only to provide a paper (non-electronic) copy and only for 2 days. There is no indication that SBC limited access for its consultant (Mr. Loehman) to a non-electronic format to hinder his analysis, nor that they withdrew his access after 2 days. I note that in Wisconsin, where SBC has similarly used the E911 database, SBC provided the underlying database information in electronic format (Excel), subject only to standard confidentiality protections and without any time limit on its analysis. It is unclear why SBC chooses to behave so differently in Oklahoma.

* Moreover, to the extent that the E911 database can be trusted – for instance, by assuming if there are *any* listings, there must be *some* switch-based competition – the E911 database shows that the vast majority of Oklahoma wire centers have no such competition at all. Only [redacted] (out of 210) wire centers have E911 CLEC listings.

* Even if the E911 database gave an accurate measure of CLEC lines (which it does not), the database provides no information as to the *type* of customer – analog or high-speed complex digital service – is being served. Thus, the database cannot be used at all to draw inferences about particular services, such as basic local service for business customers.

Q. Accepting for the moment that the E911 database is valid, what does it show about the level of switch-based local competition in Oklahoma?

A. Table 1 (below) summarizes the number of E911 listings for each CLEC in Oklahoma. Assuming (for the moment) that the listings are accurate, there are a number of important conclusions that can be drawn from the data (but not mentioned by SBC).

Table 1: Percentage of CLEC E911 Listings by CLEC

Switch-Based CLEC	Business Listings	Residential Listings
[redacted]	[redacted]	[redacted]

The E911 database shows that there is no relevant switch-based residential competition in Oklahoma other than Cox.[3] Although the database includes a few listings for other carriers (some of which make no sense),[4] only Chickasaw's listing even passes the "rounding test" – i.e., their share of the CLEC E911 listings rounds to more than zero.

Although there are more entrants with listings in the business market, the top four CLECs are still responsible for 94% of all CLEC E911 listings, indicating that the

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[3] I explained in my direct testimony that the Commission should not grant regulatory freedoms to SBC based on UNE-P lines, given the uncertainty as to whether any such competition will exist in the future.

[4] For instance, the E911 database shows residential listings for [redacted] and [redacted], even though neither offers residential service. (See Confidential Affidavit of Anthony Brown, attached as JPG-1).

market is highly concentrated.[5] Moreover, these percentages are each CLEC's share of the CLEC E911 listings – by expanding the analysis to include SBC, the trivial share gains of the individual CLECs is made more apparent (Table 2).

Table 2: Comparing SBC to Switch-Based CLECs

Switch-Based Carrier	Business Listings	Residential Listings
[redacted]	[redacted]	[redacted]

Moreover, as I indicated in my summary, the E911 database shows that there is any level of switch-based competition in only [redacted] wire centers out of SBC's [redacted] wire centers in Oklahoma.[6]

Q. Should the Commission rely on the E911 database as an *accurate* estimate of CLEC switch-based lines in Oklahoma?

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[5] It is also worth noting that the second largest provider of CLEC business listings in Oklahoma is MCI, soon to be owned by Verizon. It is too soon to tell to what extent, if any, Verizon will pursue the basic business market out-of-region, a market which MCI was in the process of abandoning.

[6] The total number of SBC wire centers in Oklahoma was derived from the Hybrid Cost Proxy Model results used by the FCC to evaluate the need for universal service subsidies.

A. No. Comparing the E911 listings to the known line counts for two carriers – Cox and Logix[7] – demonstrates that the E911 database significantly overstates CLEC lines. Table 3 compares the number of E911 listings to the actual number of lines being served by these carriers.

Table 3: Comparing E911 Listings to Actual Lines

Carrier/Market	Actual Lines	E911 Listings	Percent Inflated by Listings
[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]

As Table 3 shows, the E911 database systematically inflates CLEC lines, particularly in the business market where the average (of Cox and Logix) error (i.e., inflation) rate is between 70% and 115%. Even in the residential market, the E911 database inflates Cox's lines by more than [redacted]%.

Q. Are there other problems with relying on the E911 database?

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[7] Attached to my testimony is the Affidavit of Anthony Brown, Vice President of Network Cost for Logix. I requested that Logix provide the actual number of lines that carrier serves in Oklahoma so that I could confirm that the error levels I observed based on my analysis for Cox was not unique to Cox's operation.

[8] Like many CLECs, Cox offers business customers integrated voice-data products over DS-1 connections. Although Cox tracks the number of such connections, it does not track what percentage of this capacity is used for voice service. The "maximum line" row is unrealistically high because it assumes that every DS-1 based service provisioned by Cox is used exclusively for voice service, without any capacity used for data. I have used this highly unrealistic assumption merely to demonstrate that there is no assumption – no matter how fanciful – that would justify relying on the E911 database to measure CLEC competitive activity.

A. Yes. The E911 database does not provide any information concerning the *type* of service being provided, even if it did accurately measure overall line counts. Consequently, it provides almost no value in determining the level of competition for a particular service.

For instance, Logix's operations are (in my experience) generally typical of a non-cable, switched-based CLEC. Such carriers principally offer integrated voice-data services to business customers using DS-1 based services; they seldom provide traditional analog basic local exchange service. As shown in the attached Affidavit (JPG-1), approximately [redacted]% of Logix's business lines are DS-1 based services. Even if the E911 database correctly listed only the [redacted]K lines served by Logix (instead of the over [redacted]K listings), it would still be wrong to conclude that those lines were providing basic local exchange service to business customers.

The bottom line is that the E911 database neither provides an accurate measure of the *level* of CLEC competition, nor of the *type* of competition that is underway. It simply cannot be used in the way that SBC claims.

Q. Does this conclude your supplemental testimony?

A. Yes.

Exhibit JPG-3
WC Docket No. 06-172

Excerpt From
Direct Testimony of
Joseph Gillan

Kansas Corporation Commission
Docket No. 05-SWBT-907-PDR

basis, 94% of all UNE activity in Kansas is associated with UNE-P.[25] There are less than 12,000 UNE-loops in Kansas not leased as part of local switching.

Because of this small base of UNE lines – combined with shift in the regulatory resources of AT&T and MCI's from their prior devotion to keeping markets *open* to their future role *foreclosing* competitive opportunity -- places the future stability of the entire UNE regime in question.

Q. Should the Commission rely on the level of switch-based competition claimed by SBC?

A. No, I do not believe that it should. As shown in Table 2, most of the CLEC activity that SBC claims exists for the business market is developed from E911 records. Although SBC portrays this source as accurate in this proceeding, in other proceedings it has characterized its reliability quite differently. In asking the FCC to stay that portion of the *TRO* that determined when a high capacity circuit may qualify as a local service for UNE pricing, SBC joined with other RBOCs in claiming:

> And the E911 record similarly is something that rests entirely within the competitor's discretion and need not necessarily correlate in any way with the actual provision of local service.[26]

[25] Source: SBC Form 477 (Local Competition Reports) Filing to the FCC (as of December 2004).

Moreover, in the same proceeding, an administrator of 911 databases (Intrado) met with the FCC staff to discuss whether the presence of CLEC records in the 911 database is an accurate indicator of competition in the local exchange market:

> Intrado explained that the 9-1-1 database is not a reliable measure of local competition...This discrepancy is due primarily to the nature of business service provisioning ...[27]

Thus, the Commission should approach with skepticism competitive claims (such as those by SBC for businesses services, in particular) where the predominant form of entry is difficult to measure, the method of measurement used by SBC is the same it has previously criticized, and which blends different customer types ranging from small businesses with a few analog lines to large international firms requiring massive amounts of digital connectivity into a single metric.

Q. In other states, where you have had the opportunity to independently evaluate the accuracy of the E911 database, what have been the results?

A. In those states where I have had a chance to independently evaluate the accuracy of the E911 database to measure local competition, the analysis has shown that

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[26] Joint Petition for Stay, BellSouth, Qwest, SBC and Verizon, CC Docket No. 01-338, September 4, 2003. Emphasis added.

[27] Intrado Ex Parte, CC Docket N0. 01-338, April 19, 2002.

the E911 database dramatically overstates the actual level of competition.[28] For instance, while the individual company statistics are confidential, the average by which E911 overestimated competition in the Oklahoma business market ranged from 70% to 115%. While the level of overestimation appears to be lower in the residential market, the amount by which the E911 database over-measures residential competition is still significant.

Based on my review of the E911 information underlying SBC's filing here indicates similar problems with the E911 database in Kansas and that even the inflated competitive activity it does measure, is highly concentrated.[29]

Q. What does your analysis of the E911 listings in Kansas indicate?

A. Based on a comparison of business lines to E911 listings for Cox, it appears that the same reasons that the E911 database systematically inflates estimates of CLEC lines elsewhere apply with equal (or greater) force here.[30] As shown in the

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[28] *See* Testimony of Joseph Gillan on behalf of the Citizens Utility Board, Wisconsin Docket 6720-TI-196 and Supplemental Testimony of Joseph Gillan on behalf of Cox Telecom, Oklahoma Docket 200500042.

[29] SBC Response to CURB RFI 10.1.

[30] There are a number of reasons to expect that E911 listings to be dramatically higher in the business market. For instance, a CLEC may serve a single campus with one or two DS-1s, but there may be several thousand extensions beyond the PBX, each requiring an individual E911 listing to assure the accurate location for emergency response purposes. In such a configuration, the CLEC would actually serve the customers with 24 or 48 lines (illustration, not recommended concentration), while the E911 database would suggest several thousand lines.

table below, the E911 database inflates the number of business lines actually served by Cox by 222%.

*****Confidential*****

Table 4: Comparing Actual Business Lines to E911 Listings

	Actual Lines	E911 Listings	Percentage Error
Topeka	[redacted]	[redacted]	146%
Wichita	[redacted]	[redacted]	225%
Total	[redacted]	[redacted]	222%

*****Confidential*****

In addition, the E911 database overestimates Cox's residential lines by nearly ***[redacted]***. Moreover, the E911 database lists both ***[redacted]*** as serving residential customers in the Kansas City exchange, even though neither offers residential service. Similarly, all of the residential E911 listings in the Topeka exchange (all ***[redacted]** of them) are attributed to ***[redacted]***, which is again a carrier that does not offer residential service. Finally, accepting for the moment that the database is reasonably accurate for those carriers that *are* plausibly offering residential service (i.e., the cable-based providers), the data shows that a single *competitor* may be emerging in some areas, but not a competitive *environment*.

Q. In addition to its unfounded reliance on the E911 database as an accurate measure of competition, what is another major flaw in SBC's market share analysis?

Exhibit JPG-4
WC Docket No. 06-172

Excerpt From
Direct Testimony of
Joseph Gillan

Wisconsin Public Service Commission
Docket No. 6720-TI-196

A. No. Accepting as valid all of SBC's claims, the competitive share of CLECs in Rate Group C is *** ***.[24] SBC has not asked that price regulation be suspended in this rate group, presumably because it falls short of the higher levels of competition in Rate Group A (*** ***) and Rate Group B (*** ***). Yet, without UNE-P, the level of competition in Rate Group A would drop to *** ***, and the competition in Rate Group B would fall to *** *** -- both below the level of competition in Rate Group C today.

Q. To this point you have "accepted as valid" SBC's data, while challenging how the data should be interpreted. Is there reason to believe that SBC's data is also inflated?

A. Yes. Two of the carriers serving the residential market using their own switches (TDS Metrocom and McLeodUSA) lease loops from SBC. Although SBC directly tracks the number of loops that it leases to TDS Metrocom and McLeodUSA, it has nevertheless extracted data from the E911 database to estimate the number of residential lines served by these carriers. To explain the difference between the number of lines in the E911 database and the number of loops that SBC leases these companies, SBC assumes that these companies serve residential customers over their own loops (or loops acquired from third parties).[25]

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[24] Source: SBC Response to 1-CUB-10.

[25] Source: SBC Response to 2-CUB-6.

Q. Is SBC's assumption that these carriers serve residential customers over their own loops significant to its competitive estimates?

A. Yes. This assumption has a very significant impact on the number of lines claimed by SBC for carriers using their own switches. Table 3 details the line-increase resulting from this assumption for the two largest switch-based CLECs:[26]

***** CONFIDENTIAL *****

Table 3: [27]

***** CONFIDENTIAL *****

Q. Do you have reason to believe that SBC's assumption that the difference between its UNE-L billing records and E911 database entries are invalid?

A. Yes. Both TDS Metrocom and McLeodUSA were asked in discovery whether they served any residential customers using their own loop facilities and each

[26] These two carriers explain *** *** of the lines that SBC assumes exist (i.e., the number of lines, based on the E911 database, in excess of those attributable to residential loops leased from SBC).

[27] Source: JPL-7

responded that they did not.[28] Thus, SBC's assumption that such loop facilities exist is false.

Q. Will the elimination of UNE-P also harm UNE-L?

A. Yes. A fundamental problem with *any* UNE strategy is its reliance upon SBC as a retail carrier reluctantly offering wholesale service under legal mandate. This problem is marginally reduced when a carrier leases only the loop from SBC, instead of the loop and switch.[29] Significantly, the costs to police and enforce UNE-rights – i.e., the CLEC effort needed to support cost analyses, monitor performance plans and monitor SBC actions – has largely been absorbed by AT&T and MCI.

The elimination of UNE-P reduces dramatically the number of UNE-lines capable of funding UNE-enforcement and protection efforts. On a statewide basis, 70% of all UNE activity is associated with UNE-P. Moreover, the realignment of AT&T and MCI's regulatory resources from their prior devotion to keeping markets *open* to their future role *foreclosing* competitive opportunity (by being absorbed into RBOCs) places the future stability of the entire UNE regime in question.

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[28] Sources: TDS Metrocom Response to 1-CUB-1 and 1-CUB-2, and McLeodUSA Response to 1-CUB-1 and 1-CUB-2.

[29] Nearly 75% of the average UNE-P cost is caused by the loop component that is also leased in the UNE-L configuration. Source: Telecom Regulatory Note: Updated UNE Prices, Regulatory Source Associates, August 16 2004.

Exhibit JPG-5
WC Docket No. 06-172

Excerpt From
Direct Testimony of
Joseph Gillan

Illinois Commerce Commission
Docket No. 06-0027

continue (unless, of course, the legal challenges to the strategy are resolved in a manner that assures stable access in the future to this arrangement).

C. The E911 Database Inflates Measures of Local Competition

Q. AT&T Illinois relies extensively on the E911 database to measure residential lines served using CLEC loop facilities. Is the E911 database valid for this purpose?

A. No. AT&T Illinois' claims that the E911 database may be used to accurately measure competitive activity rest on two theories: (1) that the databases are important to public safety, and (2) that the Department of Justice used the databases in evaluating Section 271 applications.[36] Based on my review of the data provided by AT&T Illinois in this proceeding – as well as analyses I have conducted in other states attempting to validate E911 estimates with actual carrier-supplied line counts – it is clear that the E911 database systematically overstates competitive lines.

Q. Are there particular service arrangements that cause the E911 database to overstate CLEC lines?

[36] AT&T Illinois Exhibit 1.0 (Wardin Direct), page 19

A. Yes. One such arrangement occurs when a CLEC provides a high-speed digital facility to a landlord or other intermediary (such as a university) that serves multiple customers behind a PBX. For instance, a CLEC may provide a DS1 business service to a condominium owner that provides individual connections in each unit. The service provided by the CLEC is a business service (equivalent to 24 lines), but the E911 database is likely populated with data on each individual tenant (which, depending on the level of expected simultaneous calls from the building, may be several multiples of 24).

Clear evidence of this type of overstatement can be seen in AT&T Illinois' analysis (Confidential Exhibit WKW-9) that attributes thousands of residential E911 listings to Focal Communications, even though Focal Communications does not even offer residential service.[37] Although Focal does not offer residential service, it does offer FocaLine, which is a product specifically designed to provide the type of shared tenant service I describe above.[38]

In addition to AT&T Illinois claiming that Focal serves residential lines, the E911 database contains other curious listings for companies that do not offer residential service including: Global Crossing (operator of an intercity high-bandwidth IP network),[39] Level 3 Communications (operator of one of the largest internet

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[37] *See* http://www.focal.com/prod_serv/access_serv.html, listing Focal's high-speed digital services offered to business customers.

[38] *See* http://www.focal.com/prod_serv/focaLINE.html#

[39] http://www.globalcrossing.com/xml/global/gl_company.xml

backbone networks),[40] Mpower and XO (providers of business services).[41] These carriers are responsible for 44% of the non-cable residential E911 listings claimed by AT&T Illinois (with most of the remaining listings attributed to TDS).[42]

Q. Should the Commission also be skeptical of the level of residential competition attributed to TDS and McLeod by AT&T Illinois?

A. Yes. According to AT&T Illinois' E911 analysis, more than 15% of TDS' and McLeod's residential customers in Illinois are served by loops that the carriers self-provide.[43] AT&T made similar claims regarding these carriers' operations in Wisconsin, and each denied that it served residential customers over their own loops.[44] The important point is that the evidence here (as elsewhere) is that the E911 database systematically *overstates* CLEC activity.[45]

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40 http://www.level3.com/576.html

41 http://www.mpowercom.com/products/phone/index.shtml and http://www.xo.com/about/

42 Source: AT&T Confidential Exhibit WKW-9.

43 The number of self-provided loops assumed by AT&T Illinois' analysis can be computed by subtracting the number of loops leased from AT&T Illinois (UNE-L) from the total number of E911 listings. Source: AT&T Confidential Exhibit WKW-9.

44 See Direct Testimony of Joseph Gillan, Wisconsin Public Service Commission Docket No. 6720-TI-196, page

45 I have also compared E911 listing to carrier-supplied information in Kansas and Oklahoma and each analysis confirmed that the E911 database overstates competitive activity. *See* Supplemental Testimony of Joseph Gillan on behalf of Cox Telecom, Oklahoma Docket 200500042, and Testimony of Joseph Gillan on behalf of Cox Telecom and WorldNet Communications, Kansas Corporation Commission Docket No. 05-SWBT-907-PDR.

Q. Has AT&T (when known as SBC) previously described the E911 database as an unreliable measure of local competition?

A. Yes. Although AT&T Illinois portrays the source as accurate in this proceeding, in other proceedings it has characterized its reliability quite differently. In asking the FCC to stay that portion of the *TRO* that determined when a high capacity circuit may qualify as a local service for UNE pricing, AT&T joined with other RBOCs in arguing:

> And the E911 record similarly is something that rests entirely within the competitor's discretion and need not necessarily correlate in any way with the actual provision of local service.[46]

Q. What source did AT&T Illinois cite as support for its claim that the E911 database is a reliable measure of local competition?

A. AT&T Illinois' claim that the E911 database should be used to measure local entry is based on its assertion that the Department of Justice (DOJ) relied, in part, on the E911 database when judging whether Track A's requirement for facilities-based competition was satisfied in Oklahoma.[47] The DOJ comments cited by AT&T Illinois, however, do not contain *any* analysis as to whether the E911 database is a reasonable measure of entry. The issue being addressed by the DOJ

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[46] Joint Petition for Stay, BellSouth, Qwest, SBC and Verizon, CC Docket No. 01-338, September 4, 2003. Emphasis added.

[47] AT&T Illinois Exhibit 1.0 (Wardin Direct), page 19.

was not whether AT&T (then SBC) had *accurately* estimated the level of CLEC competition, but rather the Department was interested in evaluating the barriers that may have impeded entry because the level being claimed was so small. When the claim itself is unpersuasive, there is little reason to investigate its accuracy.[48]

Q. Are you aware of the FCC or the DOJ endorsing the E911 database as a method to measure local competition in any §271 application where its accuracy was an issue?

A. No. Even when the accuracy of CLEC estimates was an issue, the FCC only noted that the *de minimis* level of competition needed to satisfy Track A was satisfied under smallest estimate and ignored the question beyond that.[49] To my knowledge, neither the Department of Justice nor the FCC ever analyzed whether the E911 database was an accurate measure of competition and endorsed its use.

Consequently, the Commission should evaluate the level of competition indicated by the E911 database with the understanding that it overstates CLEC activity. Even accepting the overstatement, however, the database merely demonstrates that, other than UNE-P, the only meaningful competitive activity in the residential market comes from cable-based entry and, for all the reasons previously

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[48] Evaluation by the Department of Justice, CC Docket No. 01-194 September 24, 2001.

[49] See, for instance, Memorandum, Opinion and Order, CC Docket No. 02-35, (Georgia and Louisiana Application), May 15, 2002.

discussed, cable-based entry is insufficient support for a competitive classification under Section 13-502(c).

III. Intermodal Competition

From Texas Monthly Talks with Edward Whitacre:

Q. Do you think the landline as we know it has a finite shelf life?

A. No, I don't. I think it'll be around when we're dead and gone. I think it'll be strong. There are still 50 million customers out there just with SBC.[50]

A. Wireless Service

Q. In addition to traditional forms of competition, AT&T Illinois also claims that so-called "intermodal alternatives" – i.e., Voice over Internet Protocol and wireless service – are equivalent to wireline service.[51] **Do you agree?**

A. No. For a wide range of reasons, I do not believe it is appropriate to consider wireless service or VoIP as substitutes to basic residential local exchange service. To begin, I note that AT&T itself appears to take different positions on this question itself, depending upon the circumstances. For instance, as part of the FCC's review of the acquisition of AT&T Wireless by SBC's affiliate Cingular

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50 *Texas Monthly Talks with Edward E. Whitacre*, Texas Monthly, August 2005.

51 AT&T Illinois Exhibit 1.0 (Wardin Direct), page 52.